



ENGROSSED 2001 ASSEMBLY BILL 374

October 5, 2001 - Printed by direction of SENATE CHIEF CLERK.

1 **AN ACT** *to renumber* 343.01 (2) (dg); *to amend* 110.08 (1m), 346.03 (1), 347.25
2 (1) and 347.38 (4); and *to create* 340.01 (3) (dg) and 340.01 (3) (dh) of the
3 statutes; **relating to:** vehicles transporting human organs for transplantation,
4 medical personnel for human organ harvesting or transplantation purposes, or
5 medical devices or equipment for emergency purposes.

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2001 Assembly Bill 374 consists of the bill, as affected by the following documents adopted in the assembly on October 2, 2001: the bill as affected by Assembly Amendments 3 and 4.

These amendments affect, in part, the same text. In this bill, amendments are reconciled as follows: Assembly Amendments 3 and 4 affect s. 347.25 (1). This bill reflects the effect of both of those amendments, which have been combined into one bill section.

Content of Engrossed 2001 Assembly Bill 374:

Current law generally prohibits any vehicle from being equipped with a flashing light. Exceptions to this prohibition include authorized emergency vehicles such as police vehicles, fire department vehicles, and ambulances. Current law also prohibits any vehicle other than an authorized emergency vehicle from being equipped with a siren. Under current law, an authorized emergency vehicle must be

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equipped with a siren and may be equipped with one or more flashing, oscillating, or rotating red lights.

Also under current law, when an authorized emergency vehicle is responding to an emergency call or in pursuit of an actual or suspected violator of the law, the operator is exempt from traffic restrictions relating to parking if the vehicle's warning lights are activated. The operator of an authorized emergency vehicle is also exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the vehicle's warning lights and siren are activated. Even when an authorized emergency vehicle is operated with the vehicle's warning lights and siren activated, the operator must drive with due regard under the circumstances for the safety of all persons.

This bill provides that motor vehicles used by an organ procurement organization, or under an agreement with an organ procurement organization, to transport organs for human transplantation or to transport medical personnel for the immediate purpose of performing human organ harvesting or transplantation (organ transport vehicles) are authorized emergency vehicles.

The bill also provides that motor vehicles being operated in the course of a business and being used, in response to an emergency call from a treating physician or his or her designee, to transport or pick up medical devices or equipment for the immediate purpose of human implantation or urgent medical treatment (emergency medical device transport vehicles) are authorized emergency vehicles. Organ transport vehicles and emergency medical device transport vehicles may be equipped with red or red and white flashing, oscillating, or rotating lights and must be equipped with a siren. Organ transport vehicles and emergency medical device transport vehicles are permitted the same traffic law exemptions, and subject to the same limitations, as other authorized emergency vehicles when, respectively, they are transporting an organ for human transplantation or transporting medical personnel for the immediate purpose of performing human organ harvesting or transplantation, or they are responding to an emergency call from a treating physician or his or her designee to transport or pick up medical devices or equipment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 110.08 (1m) of the statutes is amended to read:

2 110.08 (**1m**) Each operator's license examiner shall receive informational
3 training on the powers and duties of the department relating to organ donor
4 information under s. 343.175 once every 2 years and, for operator's license examiners
5 hired after January 1, 1997, prior to initial assignment to operator's license
6 examining activities. The informational training under this subsection shall be

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1 developed by all organ procurement organizations, as defined in s. ~~343.01 (2) (dg)~~
2 340.01 (41k), in cooperation with the department.

3 **SECTION 2.** 340.01 (3) (dg) of the statutes is created to read:

4 340.01 (3) (dg) Privately owned motor vehicles being used by an organ
5 procurement organization, or by any person under an agreement with an organ
6 procurement organization, to transport organs for human transplantation or to
7 transport medical personnel for the purpose of performing human organ harvesting
8 or transplantation immediately after the transportation.

9 **SECTION 2g.** 340.01 (3) (dh) of the statutes is created to read:

10 340.01 (3) (dh) Privately owned motor vehicles being operated in the course of
11 a business and being used, in response to an emergency call from a treating physician
12 or his or her designee declaring the transportation to be an emergency, to transport
13 medical devices or equipment to a hospital or ambulatory surgery center, or to pick
14 up medical devices or equipment for immediate transportation to a hospital or
15 ambulatory surgery center, if the medical devices or equipment are to be used for
16 human implantation or for urgent medical treatment immediately after the
17 transportation.

18 **SECTION 3.** 343.01 (2) (dg) of the statutes is renumbered 340.01 (41k).

19 **SECTION 4.** 346.03 (1) of the statutes is amended to read:

20 346.03 (1) The operator of an authorized emergency vehicle, when responding
21 to an emergency call or when in the pursuit of an actual or suspected violator of the
22 law ~~or~~, when responding to but not upon returning from a fire alarm, when
23 transporting an organ for human transplantation, or when transporting medical
24 personnel for the purpose of performing human organ harvesting or transplantation

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1 immediately after the transportation, may exercise the privileges set forth in this
2 section, but subject to the conditions stated in subs. (2) to (5).

3 **SECTION 9m.** 347.25 (1) of the statutes is amended to read:

4 347.25 (1) Except as provided in subs. (1m) (a), (1r), and (1s), an authorized
5 emergency vehicle may be equipped with one or more flashing, oscillating, or
6 rotating red lights, except that ambulances, fire department equipment, and
7 privately owned motor vehicles under s. 340.01 (3) (d), (dg), or (dm) being used by
8 personnel of a full-time or part-time fire department ~~or~~, by members of a volunteer
9 fire department or rescue squad, or by an organ procurement organization or any
10 person under an agreement with an organ procurement organization, and privately
11 owned motor vehicles under s. 340.01 (3) (dh) being used to transport or pick up
12 medical devices or equipment, may be equipped with red or red and white lights, and
13 shall be so equipped when the operator thereof is exercising the privileges granted
14 by s. 346.03. The lights shall be so designed and mounted as to be plainly visible and
15 understandable from a distance of 500 feet both during normal sunlight and during
16 hours of darkness. No operator of an authorized emergency vehicle may use the
17 warning lights except when responding to an emergency call or when in pursuit of
18 an actual or suspected violator of the law, when responding to but not upon returning
19 from a fire alarm, when transporting an organ for human transplantation, when
20 transporting medical personnel for the purpose of performing human organ
21 harvesting or transplantation immediately after the transportation, or when
22 necessarily parked in a position which is likely to be hazardous to traffic.

23 **SECTION 10.** 347.38 (4) of the statutes is amended to read:

24 347.38 (4) An authorized emergency vehicle shall be equipped with a siren, but
25 such siren shall not be used except when such vehicle is operated in response to an

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1 emergency call or in the immediate pursuit of an actual or suspected violator of the
2 law, when responding to but not upon returning from a fire alarm, when transporting
3 an organ for human transplantation, or when transporting medical personnel for the
4 purpose of performing human organ harvesting or transplantation immediately
5 after the transportation, in which events the driver of such vehicle shall sound the
6 siren when reasonably necessary to warn pedestrians and other drivers.

7 **SECTION 11. Initial applicability.**

8 (1) This act first applies to vehicles operated on the effective date of this
9 subsection.

10 (END)